

## UNITED STATES DISTRICT COURT

United States Courts  
Southern District of Texas  
FILED

APR 30 2014

for the  
Southern District of Texas

David S. Bradley, Clerk of Court

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Information associated with Facebook user id Brad  
Sparkman- https://www/facebook.com/#!/brad.sparkman  
?fref=ts numeric id 100003233177213

Case No. H14-447 MJ

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Facebook user id Brad Sparkman https://www/facebook.com/#!/brad.sparkman?fref=ts numeric id 100003233177213  
that is stored at premises controlled by Facebook headquartered at 1601 Willow Road, Menlo Park, CA 94025

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

Information associated with Facebook user id Brad Sparkman- https://www/facebook.com/#!/brad.sparkman  
?fref=ts numeric id 100003233177213

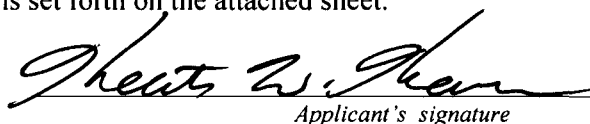
The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
18 U.S.C. § 922(g)(1)Offense Description  
Felon in possession of weapons that have been transported in interstate or foreign commerce.The application is based on these facts:  
See attached affidavit

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



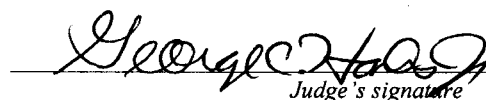
Applicant's signature

Heath W. Kancir Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/30/14



Judge's signature

City and state: Houston, Texas

George C. Hanks, Jr. United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF THE SEARCH OF INFORMATION §  
 ASSOCIATED WITH F ACEBOOK USER ID Brad Sparkman – §  
<https://www.facebook.com/#!/brad.sparkman?fref=ts> §  
 numeric id number 100003233177213 §  
 THAT IS STORED AT PREMISES CONTROLLED BY F ACEBOOK §

Case No. \_\_\_\_\_

H14-447 MJ

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

I, Keith W. Koncir, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook accounts that is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered at 1601 Willow Road, Menlo Park CA 94025. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer operating the web sites.

2. I am a Special Agent with the Federal Bureau of Investigation, and have been since 2002. I am currently assigned to the Multi Agency Gang Task Force (MAGTF). I have experience in the investigation of criminal statutes identified in the Title 18 and Title 21 of the United States Code. I have experience working Counterterrorism case, Domestic Terrorism cases, and complex Organized Crime, Drug and Gang cases. Additionally, I have experience in interviewing suspects, victims, and witnesses, conducting surveillance, analyzing telephone records, executing search warrants, and other investigative techniques.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about a violation of 18 U.S.C § 922(g)(1) – a felon in possession of weapons that have been transported in interstate or foreign commerce.

**PROBABLE CAUSE**

4. On March 08, 2014, Brad Sparkman (hereinafter referred to as Sparkman) posted a picture on his Facebook page depicting multiple weapons displayed on a bed. On March 16, 2014, Sparkman posted a different picture on his Facebook page depicting multiple weapons displayed on the floor of a room. Sparkman is a convicted felon and thereby prohibited from possessing a firearm as well as prohibited from trafficking them according to Title 18 USC 922(g)(1). Your affiant has positively identified Sparkman by his photograph on a Texas Drivers License and confirmed that the Brad

Sparkman photo on the Facebook site is in fact the Brad Sparkman who is the subject of a Federal investigation. Within Facebook, Sparkman's name was searched by law enforcement in approximately 2013 to determine if Sparkman had a Facebook account. Sparkman's account was found, and it was evident by viewing his account that the content was viewable by the public and therefore not a secured account. The pictures of the multiple weapons were observed on Sparkman's Facebook account by Task Force Officer (TFO) Jeremy Copher. The Affiant was made aware of the photographs and viewed the photographs on or around April 1, 2014.

5. On March 21, 2014, a Cooperating Witness (hereinafter referred to as CW) informed agents that Sparkman had in his possession approximately 10 weapons including pistols, an AK-47 and Shotguns in his residence, 8530 Youngberry, Houston, Texas. According to the CW, Sparkman was attempting to sell these weapons.

6. On March 27, 2014, Sparkman sent a picture from his cellular telephone number (713) 449-7395 to the CW of a revolver with a brown handle Sparkman was trying to sell. The CW provided that picture to agents. Additionally, the CW advised that Sparkman was carrying a .40 caliber black semi-automatic pistol that same day.

7. On April 1, 2014, the CW went to Sparkman's residence, 8530 Youngberry, Houston, Texas and took a picture of what the CW described as a 9mm rifle which Sparkman agreed to sell for \$100.00. The CW provided that picture to agents. Additionally, the CW saw seven semi-automatic pistols to include a Glock .40 caliber, some 9mm handguns, four revolvers, three .22 caliber pistols and one AR rifle in the residence.

8. On April 1, 2014, Sparkman and arrested inside a vehicle he was driving near his residence on Youngberry pursuant to an authorized Federal Arrest Warrant. Located outside the vehicle door, where Sparkman was standing at the time of his arrest was a Glock .40 caliber pistol, serial number KZE162 that was confirmed stolen.

9. On April, 2, 2014, the pictures referenced in paragraph #4 were observed on Sparkman's Facebook page.

10. On April 4, 2014, a Preservation Letter was faxed to Facebook for Sparkman's identified Facebook page <https://www.facebook.com/#!/brad.sparkman?fref=ts> numeric id 100003233177213. Your affiant believes that there remains evidence on Sparkman's Facebook page evidence of his weapons trafficking operation.

#### **TECHNICAL BACKGROUND**

11. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

12. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact

e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

13. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts, by adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

14. Facebook users may join one or more groups or networks to collect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "Mini-Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

15. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

16. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, a user's "Photo print" includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

17. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

18. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, Live Journal, and Blogger.

19. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

20. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

21. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

22. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications,

23. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

24. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

25. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

#### **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

26. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

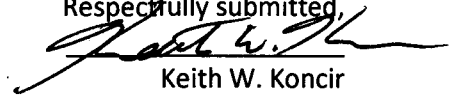
**CONCLUSION**

27. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that on the computer systems in the control of Facebook there exists evidence of a crime and contraband or fruits of a crime. Accordingly, a search warrant is requested.

28. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court: (is "a district court of the United States. . . that - has jurisdiction over the offense being investigated."

29. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,

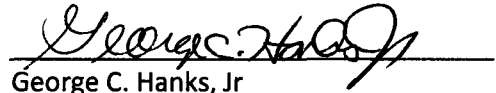


Keith W. Koncir

Special Agent

Federal Bureau of Investigation

Subscribed and sworn to before me on April 30 2014:



George C. Hanks, Jr

UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the Facebook user ID <https://www.facebook.com/#!/brad.sparkman?fref=ts> numeric id 100003233177213 that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered 1601 Willow Road, Menlo Park CA 94025, Fax 650 472-8007, email [records@fb.com](mailto:records@fb.com)



## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact information, including (for user IDs: full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.) (for group IDs: group identification number, a list of users currently registered to the group, and Group Contact Info, including all contact information for the creator and/or administrator of the group and a PDF of the current status of the group profile page.)
- (b) All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (c) All Neoprints, including profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (d) All other communications and messages made or received by the user, including all private messages and pending "Friend" requests;
- (e) All IP logs, including all records of the IP addresses that logged into the account;
- (f) All information about the user's access and use of Facebook Marketplace;
- (g) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- (h) All privacy settings and other account settings;
- (i) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

#### **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C § 922(g)(1) involving Bradley Allen Sparkman since January 29, 2014, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Data, communications, and information relating to the illegal sale of firearms;



- (b) Records relating to Bradley Allen Sparkman, used, or communicated with the user ID Brad Sparkman – <https://www.facebook.com/#!/brad.sparkman?fref=ts> numeric id number 100003233177213.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS  
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is \_\_\_\_\_. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of \_\_\_\_\_(pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature